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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,142	08/30/2001	Christopher J. Stone	GIC-653	8653
20028	7590	06/16/2004	EXAMINER	
LAW OFFICE OF BARRY R LIPSITZ 755 MAIN STREET MONROE, CT 06468			ALBERTALLI, BRIAN LOUIS	
			ART UNIT	PAPER NUMBER
			2655	3

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,142

Applicant(s)

STONE, CHRISTOPHER J.

Examiner

Brian L Albertalli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: on page 1, line 13, "focussed" should be --focused--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Orr (U.S. Patent 6,430,357).
4. In regard to claim 1, Orr discloses a method that extracts closed caption data representative of words (closed caption text data, Fig. 1, 106) from a television signal (video data stream 102) (column 2, lines 56-63). The extracted words (closed caption text data 106) (Fig. 4, 106) are processed by a speech synthesizer (text to speech converter 408) (column 5, lines 34-36).

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5. In regard to claim 2, Orr discloses a user interface (Fig. 4, 120) in which a language translator (402) receives extracted text data and performs a translation on it in one of a plurality of languages (column 5, lines 26-30). The plurality of languages is then converted into voice data by the speech synthesizer (text to speech converter 408) (column 5, lines 34-36).

6. In regard to claim 3, Orr discloses the user interface (120) is displayed on a television screen (video stream playback system 118 is connected to display 132) (column 4, lines 35-40).

7. In regard to claim 4, Orr discloses that the on screen display (graphic user interface) is controlled by a remote control (column 4, lines 28-31).

8. In regard to claim 5, Orr discloses that audio associated with the video is muted (column 4, line 67 and column 5, line 1).

9. In regard to claim 6, Orr discloses the interleave stream parser (104) extracts text from the video data stream (converts closed caption data to text) and converts the text data to speech (via text to speech converter 106) (column 2, lines 60-63 and column 5, lines 34-36).

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10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 25 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Rivers (U.S. Patent 5,615,301).

12. In regard to claim 25, Rivers discloses a system that receives the audio portion of a television broadcast (column 2, lines 39-41) in which the audio is in a language (speech recognition circuitry 3 receives continuous speech information from the audio signal (column 2, lines 28-32)). The user is allowed to select a language (column 3, lines 15-16) and the system converts the language included in the television signal to the selected language (column 3, lines 11-14).

13. In regard to claim 27, Rivers discloses that the language is converted from the audio portion of the signal (column 2, lines 38-41).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 7-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orr.

16. In regard to claims 7 and 8, Orr discloses in Fig. 4 that the text to speech converter (408) and language translator (402) are connected in parallel. This would have suggested to one of ordinary skill of the art at the time of invention converting closed caption data to speech without being translated (the closed caption data is representative of words in a desired language) or determining that closed caption data that was representative of a different language from the desired language could be translated prior to speech synthesis.

17. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Orr to convert closed caption data to speech without being translated or to translate closed caption data that was representative of a different language from the desired language prior to speech synthesis.

18. In regard to claims 9 and 17, Orr discloses an apparatus and software program that includes a closed caption processor (interleave stream parser 104) to extract closed caption data representative of words (text data 106) from a television signal (video data stream) (column 2, lines 56-63). The apparatus includes a set of non-navigation engines (400) that comprise a language translator (402) and a speech synthesizer (text to speech converter 408) (column 5, lines 26-30 and lines 34-36).

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Orr does not disclose the speech synthesizer is adapted to convert the words represented by the closed caption data into a second language.

Examiner takes official notice that it is known in the art that closed caption data is textual data representative of words and to convert words to a second language.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Orr by combining the language translator (402) and the text to speech converter (408), in order to produce speech in a different language than what was represented by the closed caption data, so as to provide speech in a language more familiar to the user.

19. In regard to claims 10 and 18, Orr discloses a graphic user interface (120) is used to control the language translator (402) (see Fig. 4). This would have suggested to one of ordinary skill in the art to select one of a plurality of languages as a second language by the user interface (120), so the user could select a more familiar language to listen to.

20. In regard to claims 11 and 19, Orr discloses that the user interface is on a display (132) (column 5, lines 14-15).

21. In regard to claims 12 and 20, Orr discloses that the on screen display (graphic user interface) is controlled by a remote control (column 4, lines 28-31).

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22. In regard to claims 13 and 20, Orr discloses that audio associated with the video is muted (column 4, line 67 and column 5, line 1).

Orr does not disclose that the audio is muted when replacement speech is provided from the speech synthesizer.

Examiner takes official notice that it is known in the art to mute one audio source when there are two audio sources associated with video available.

It would be obvious to one of ordinary skill in the art at the time of invention to modify Orr by muting the audio when replacement speech is provided from the speech synthesizer, so that only one voice was output at a time and the speech could be understood.

23. In regard to claims 14 and 21, Orr discloses the interleave stream parser (104) extracts text from the video data stream (converts closed caption data to text) and converts the text data to speech (via text to speech converter 106) (column 2, lines 60-63 and column 5, lines 34-36).

24. In regard to claims 15 and 22, Orr discloses a language translator (402) for converting text into a second language and a speech synthesizer (text to speech converter 408) (column 5, lines 26-30 and lines 34-36).

Orr does not disclose that the text for processing into speech is in a second language.

Examiner takes official notice that it is known in the art to produce speech from text in a plurality of languages.

It would have been obvious to one of ordinary skill in the art at the time of invention to convert the text to a second language with the language translator (402), then convert the text to speech with the speech synthesizer (text to speech converter 408) in order to produce speech in a different language more familiar to the user than what was represented by the closed caption data.

25. In regard to claims 16 and 23, Orr discloses a language translator (402) for converting text into a second language and a speech synthesizer (text to speech converter 408) (column 5, lines 26-30 and lines 34-36).

Orr does not disclose the speech synthesizer is adapted to convert the words represented by the closed caption data into a second language.

Examiner takes official notice that it is known in the art that closed caption data is textual data representative of words and to convert words to a second language.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the language translator (402) and the text to speech converter (408), as disclosed by Orr, in order to produce speech in a different language more familiar to the user than what was represented by the closed caption data.

26. In regard to claim 24, Orr discloses a PC based software program (column 4, line 33), which implies a program read from machine-readable media.

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27. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rivers in view of Orr.

Rivers discloses all the features of the instant claimed invention, except that the language is converted from text provided in a closed caption signal.

Orr discloses a method in which a closed caption signal is converted to text (column 2, lines 60-63). The user can choose a language to be output via a user interface (120). A language translator (402) will convert the language to the selected language (column 5, lines 26-30) and a text to speech converter (408) will convert text data into voice data to output as an audio presentation to the user (column 5, lines 34-36).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Rivers to convert the language from text provided in a closed caption signal, as taught by Orr, so that the translation could be processed directly from the closed caption text information, rather than having to use a speech recognition circuit to convert the audio data to text, in order to reduce the amount of processing needed and to prevent recognition errors that could occur in the speech recognition circuit.

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kirkland (U.S. Patent 5,677,739) discloses an apparatus that encodes text description data in the closed captioning channel, then at the

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receiver, extracts the text description data and converts it to a speech signal.

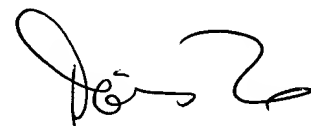
Case (U.S. Patent 5,737,725) discloses a system that decodes closed caption information from a television signal into text and aligns it with audio input.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian L Albertalli whose telephone number is (703) 305-1817. The examiner can normally be reached on Monday - Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Smits can be reached on (703) 305-3011. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BLA 5/25/04



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